

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN MASON,

For Online Publication Only

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

ORDER

19-CV-01360 (JMA) (AYS)

**FILED
CLERK**

11:08 am, Dec 07, 2022

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

AZRACK, United States District Judge:

John Mason (“Plaintiff”) brings this action against the United States of America (“Defendant”) pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401, 2671 *et seq.*, seeking damages for personal injury and property damage sustained in an accident between his vehicle and a vehicle owned by the United States Transportation Security Administration. (Compl., ECF No. 1.)

On March 24, 2022, Defendant filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(c), which the Court referred to Magistrate Judge Anne Y. Shields for a report and recommendation (“R&R”). (ECF No. 25; Electronic Order dated Oct. 20, 2022.) In a R&R issued on November 22, 2022, Magistrate Judge Shields recommends denying Defendant’s motion. (ECF No. 29.) No objections have been filed and the time for doing so has since passed. For the reasons stated below, the R&R is adopted in its entirety.

“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court

need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

The Court has reviewed the record and the unopposed R&R for clear error and, finding none, hereby adopts Magistrate Judge Shields’ R&R in its entirety as the opinion of the Court.

Accordingly, Defendant’s motion for summary judgment is DENIED.

SO ORDERED.

Dated: December 7, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE